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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/603,877	06/25/2003	Harold E. Mattice	29757/P-828	3010	
. 4743	7590 12/08/2006		EXAM	INER :	
MARSHALL, GERSTEIN & BORUN LLP			PANDYA	PANDYA, SUNIT	
	233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER		ART UNIT	PAPER NUMBER	
CHICAGO, IL 60606		3714			
		DATE MAILED: 12/08/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Application Application Application Application Application Application Application Application Application Application Application Application Application Application Appl			/5			
### Examiner Suntit Pandys 3714 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extended on time may be available under the provisions of 37 CFR 1.13(6), in no event, however, may a regly be timely filled in the provision of 37 CFR 1.13(6), in no event, however, may a regly be timely filled in the provision of 37 CFR 1.13(6), in no event, however, may a regly be timely filled in the provision of 37 CFR 1.13(6), in no event, however, may a regly be timely filled in the provision of the communication, even if should provide the provision of the provision of the communication, even if should provide the provision of the above claim(s) is/are allowed. 5)		Application No.	Applicant(s)			
Sunit Pandya 3714		10/603,877	MATTICE ET AL.			
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) 1-25 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status					
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5) Initialization disclosure statement(s) (1 10/00/00)						
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Application/Control Number: 10/603,877

Art Unit: 3714

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim1-14 and 25, drawn to a gaming apparatus containing a threedimensional moving display classified in class 463 subclass 32.
- II. Claims 15-24, drawn to a bonus game, classified in class 463, subclass20.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as a bonus game that can be implemented with any gaming machine and subcombination I has utility by itself and does not need subcombination II for patentability. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

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provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

HOBERT P. OLSZEWSKI

RVISORY PATENT EXAMINER

UNOLOGY CENTER SEET 3700